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PATENT APPLICATION
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)
) GROUP NO.: 1656
GUENTHER EBERZ ET AL)
) EXAMINER: C. M. KAM
SERIAL NO.: 10/069,353)
)
FILED: OCTOBER 10, 2002)
)
TITLE: NUCLEIC ACIDS CODING FOR)
ENZYME ACTIVITIES OF)
SPINOSYN BIOSYNTHESIS)

COMMUNICATION OF CORRECTION ON AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants note that the paragraph starting at **page 5** of the Amendment dated April 19, 2006, entitled "**Claim Rejections - 35 USC Section 112, second paragraph**" inadvertently omitted a line of text after the fourth line in the paragraph. Applicants reproduce the paragraph below in its entirety.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on

05/09/06

Date

Raymond J. Harmuth, Reg. No. 33,896

Name of applicant, assignee or Registered Representative

Ray J. Harmuth
Signature

May 9, 2006

Date

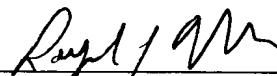
"Claim Rejections - 35 USC Section 112, second paragraph

Paragraphs 8-11 of the Office Action reject the specifically listed claims listed therein under the above referenced section of the United States Code. Applicants believe the current set of claims as set forth in this Amendment either does not involve or overcomes any such rejections. Specifically with regard to the pending claims, Paragraph 11 of the Office Action rejected Claims 73-86 on the basis that the term "nucleic acids that code for enzymes involved in the biosynthesis of spinosyn" was indefinite as it was not clear as to what are these nucleic acids while their nucleotide sequences are not indicated. While Applicants reserve the right to traverse that rejection, nonetheless to remove issues from the case and advance its prosecution, the pending claims as amended are believed to have overcome that rejection." [Underlined sentence was the sentence inadvertently omitted].

Allowance of the pending claims is respectfully requested.

Respectfully submitted,

By



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